

REMARKS

Claims 1 – 19 are pending in this application.

Claims 1 – 19 have been rejected.

Claims 1 and 10 are currently amended.

Amendments to the Claims

Claims 1 and 10 have been amended to clarify the claims by reciting that the second collected events are compared against the current template. This amendment is supported at page 22, lines 1 – 6 and throughout the specification. Claims 1 and 10 have been further amended to delete the words “only” (claim 1, lines 14 and 16; claim 10, lines 15 and 17). This amendment restores subject matter from claims 1 and 10 as originally filed. Claims 1 and 10 have been further amended to clarify the claims by reciting that the determination of the validity of the current template occurs after the collection of the second collected events. This amendment is supported at page 22, lines 1 – 6 and throughout the specification. No new matter has been added.

Rejections Under 35 U.S.C. § 112

Claims 1 – 19 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In view of the amendments to claims 1 and 10 deleting the use of the word “only” it is respectfully submitted that the grounds for this rejection have been cured and that the rejection should be withdrawn.

Claims 1 – 19 have been rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. It is respectfully submitted that, in view of the amendments to claims 1 and 10 reciting that the second collected events are compared against the current template, the grounds for this rejection have been cleared and that the rejection should be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1 – 19 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0183637 (“Kim et al ‘637”). These rejections are respectfully traversed.

Kim et al ‘637 discloses a normal cardiac rhythm template generation system and method. Cardiac signals are sensed, fiducial points are lined up, and a template is generated that is intended to be representative of a single cardiac beat (paragraph [0007]). Subsequently detected beats are utilized to confirm that the template is still representative of the patient’s cardiac beats (paragraph [0008]). While data indicative of cardiac signals, such as RR intervals, are stored (paragraphs [0049] and [0071]), Kim et al ‘637 specifically discloses in two locations that multiple beats are not stored because analysis is conducted on a beat-by-beat basis (paragraphs [0082] and [0104]).

By contrast, claims 1 and 10, as amended, recite collecting the second selected events and then determining whether the current template is valid. As noted above, Kim et al ‘637 specifically discloses that multiple beats are not stored and thus Kim et al ‘637 cannot show, disclose or suggest that the determination of whether the template is valid occurs after the collection of the second selected events. Moreover, Kim et al ‘637 specifically recognizes the limitations of conducting a beat-by-beat analysis – if the analysis of the current beat is not finished, the subsequent beat may be skipped (paragraph [0075]). If enough beats are skipped then the template update is aborted until the next update time, but it is preferable that every beat is utilized. As such, while Kim et al ‘637 recognizes problems created by beat-by-beat analysis, Kim et al ‘637 does not recognize the solution to the problem offered by the subject matter of claims 1 and 10, as amended.

Kim et al ‘637 does not show, disclose or suggest all of the subject matter of claims 1 and 10, as amended, and instead teaches away from the subject matter of claims 1 and 10. Thus, it is respectfully submitted that the rejections of claims 1 and 10 under 35 USC § 102(b) as being anticipated by Kim et al ‘637 are improper and should be withdrawn.

Claims 2 – 9 and 19 depend from claim 1 and claims 11 – 18 depend from claim 10, and as such incorporate all of the subject matter of the claims from which they depend. In addition, claims 2 – 9 and 11 – 19 recite additional patentable subject matter. Because the rejections of claims 1 and 10 are improper, and because of the additional patentable subject matter, it is respectfully submitted that the rejections of claims 2 – 9 and 11 – 19 under 35 USC § 102(b) as being anticipated by Kim et al '637 are improper and should be withdrawn.

Summary

In view of the amendments made and the arguments presented, claims 1 – 19 should be allowable, this application should be in condition for allowance and a notice to that effect is earnestly solicited.


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Respectfully Submitted,

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